

**STATE OF LOUISIANA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

**BOLLINGER TREATMENT  
SYSTEMS, L.L.C.  
AI # 150776**

**PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT  
LA. R.S. 30:2001, ET SEQ.**

\* Settlement Tracking No.  
\* SA-AE-05-0049  
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\* Enforcement Tracking No  
\* AE-PP-04-0286  
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**SETTLEMENT**

The following Settlement is hereby agreed to between Bollinger Treatment Systems, L.L.C. ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

**I**

Respondent is a corporation who operates a wastewater treatment facility at or near 8365 Louisiana Highway 308 in Lockport, Lafourche Parish, Louisiana ("the Facility").

**II**

On November 4, 2004, the Department issued a Notice of Potential Penalty, Enforcement No. AE-PP-04-0286, former Agency Interest No 10132, to Respondent, which was based upon the following findings of fact:

On or about January 14, 2004, an inspection of Bollinger Treatment Systems, L.L.C., owned and/or operated by Respondent was performed due to a complaint received by the

Department to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at or near 8365 Louisiana Highway 308 in Lockport, Lafourche Parish, Louisiana. However, at the time of the inspection, Bollinger Treatment Systems, L.L.C. was operating at Eagle Industrial Equipment, L.L.C. located at or near 220 North Barrios Street in Lockport, Lafourche Parish, Louisiana. Subsequent to the inspection, the enforcement Division requested further information concerning the operations being performed at the Eagle Industrial Equipment, L.L.C. facility including any emissions emitted. In a letter from the Respondent dated June 25, 2004, it was noted that Bollinger Treatment Systems, L.L.C. had been conducting research and development of new marine sanitation technology. The technology involves the design of an experimental device to treat various wastewaters generated onboard vessels. The protocol involves testing the device using waste heat from engines of different sizes (200-400 horsepower). According to the Respondent's June 25, 2004 letter, the diesel engine had been used as a heat source intermittently beginning on or about September 30, 2002. As of June 17, 2004, waste heat from various engines had been used approximately 4,000 hours. The letter noted that all processing tests using the diesel engine were immediately halted after the inspection. Further information was submitted by the Respondent to the Enforcement division in a letter dated September 22, 2004.

By letter dated May 3, 2004, the Respondent requested an air permitting variance from the Department to continue testing the experimental device. A Temporary Variance was issued on June 21, 2004, to the Respondent for testing of the experimental wastewater treatment device. The Temporary Variance expired on May 17, 2005.

The following violation was noted during the course of the inspection conducted on January 14, 2004:

The Respondent was operating a 250 horsepower diesel engine at the Eagle Industrial Equipment, L.L.C. facility without an air permit, variance, or other authority from the Department. The Respondent was operating the diesel engine for testing of a new experimental wastewater treatment device to treat various wastewaters generated onboard vessels. The Respondent's failure to obtain, at minimum, a variance issued by the administrative authority prior to testing the experimental device is a violation of LAC 33:III.917.A and Sections 2057(A)(1) and 2057(A)(2) of the Act.

### III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

### IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TWO THOUSAND THREE HUNDRED EIGHTY AND 51/100 DOLLARS (\$2,380.51), of which Seven Hundred Eighty-five and 08/100 Dollars (\$785.08) represents DEQ's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to DEQ as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

### V

Respondent further agrees that the Department may consider the inspection report(s), the Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against

Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

## VI

This agreement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

## VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in LSA- R. S. 30:2025(E) of the Act.

## VIII

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Lafourche Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

## IX

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

## X

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

## XI

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his/her respective party, and to legally bind such party to its terms and conditions.

**BOLLINGER TREATMENT  
SYSTEMS, L.L.C.**

BY

(Signature)

Alfred C. DeLoney, Jr.  
(Print)

TITLE: Vice President

THUS DONE AND SIGNED in duplicate original before me this 19<sup>th</sup> day of March, 20 08, at Lockport, LA 71518

[Signature]  
NOTARY PUBLIC (ID # \_\_\_\_\_)

**L. CLIFTON DICKERSON III**  
**NOTARY PUBLIC/ATTORNEY**  
**LA BAR ROLL NO. 04932**  
**LAFOURCHE PARISH, LOUISIANA**  
**COMMISSION ISSUED FOR LIFE**

**LOUISIANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY**

**Harold Leggett, Ph.D., Secretary**

BY:

Peggy M. Hatch  
**Peggy M. Hatch, Assistant Secretary**  
**Office of Environmental Compliance**

THUS DONE AND SIGNED in duplicate original before me this 3<sup>rd</sup> day of July, 20 08, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # \_\_\_\_\_)

(Print)

Approved:

Harold Leggett  
**Harold Leggett, Ph.D., Assistant Secretary**